

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

UNITED STATES OF AMERICA, )

Plaintiff(s), )

v. )

ROBERT WEEKS & DAVID HESTERMAN, )

Defendant(s). )

Case No. 98-CR-278 S

O R D E R

Defendant David A. Hesterman has made a motion "Pursuant to Utah Rule of Criminal Procedure 16(a)" for discovery. The Utah Rules of Criminal Procedure have no application in this court.

DUCrimR16-1 governs motions for discovery in a criminal case, in this court.

DuCrimR16-1(a) provides:

. . . . Prior to filing discovery requests or motions with the court, counsel for the government and for the defendant must attempt to agree to a mutually acceptable pretrial exchange of discovery. If such an agreement is reached, counsel for both parties must sign and file with the court a joint discovery statement describing the terms and conditions of the agreement.

There is no showing that defendant Hesterman has complied with the above local rule. In addition, the requests made by defendant [which frequently refer to the "State"] are outside the standards of Rule 16, F.R.C.P. Normally an open file policy is employed by the United States Attorney. Therefore,

**IT IS HEREBY ORDERED** the defendant David Hesterman's motion for discovery is denied until there is compliance with DUCrimR16-1 and a motion in

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proper form with relevant content is submitted.

**DATED** this 10<sup>th</sup> day of June, 1998.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read "Ronald N. Boyce", written over a horizontal line.

Ronald N. Boyce

United States Magistrate Judge

mjm

United States District Court  
for the  
District of Utah  
June 15, 1998

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 2:98-cr-00278

True and correct copies of the attached were mailed by the clerk to the following:

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